



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 2, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Charles Canada, Zion Lutheran Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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Motion made by Representative Medina, seconded by Representative Sumrall, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representatives Sumrall and Power were not present for the vote. (Representative Sumrall was present for the motion. She stepped out when the members were polled.)

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Mayor Raymond C. Caballero took a moment to remember those individuals who had perished in the September 11, 2001 events and asked citizens to be true to their principals and embrace persons of all religions and races. He stated that the best tribute to those who have suffered in these tragedies is not to allow acts of terrorism to rule. He reiterated that we all must al get back to our lives as they were prior to these tragic events. He commented on the City of El Paso's Emergency Management system.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of July 3, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Airport Display Agreement with the Sun Bowl Association providing for the display of the Sun Bowl Football Game Trophy at the El Paso International Airport.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$14,200.00 - \$7,625 loan/ \$6,575 grant) against the following described real property:

Lot 5, Block 4, RAMONA PLACE SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 12, Page 31, Plat Records of El Paso County, Texas; also known and numbered as 224 Wooldridge Drive, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Fifty-Nine And 63/100ths Dollars (\$59.63).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Custodial Agreement to loan federally funded emergency equipment and pharmaceuticals to six local hospitals in connection with the El Paso Anti-Terrorism Plan and the Metropolitan Medical Response System (MMRS) contract between the City of El Paso and the U.S Department of Health and Human Services.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the El Paso Fire Department's participation in the National Shattered Dreams Program dramatizing a automobile crash to demonstrate the dangers of drinking and driving to the youth of El Paso, to be held October 8, 2001. The Fire Department will support the dramatization by allowing a fire medical unit to transport two participants to the R. E. Thomason General Hospital emergency room.

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***R E S O L U T I O N**

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10119, 10250, 10251, 10252, 10253, 10254, 10255, 10256, 10257, 10258, 10259, 10260, 10261, 10262, 10263, 10264, 10265, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, and 10294 for irrigation water acres, in El Paso County, Texas.

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***JOINT RESOLUTION**

A JOINT RESOLUTION OF THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO AUTHORIZING THE TRANSFER OF A 58.27 ACRE TRACT OF LAND ADJACENT TO THE GREENBELT LEVEE SYSTEM AND LOCATED NEAR THE JUNCTURE OF PATRIOT FREEWAY AND MCCOMBS STREET, EL PASO, EL PASO, COUNTY, TEXAS TO THE JURISDICTION OF THE CITY. SAID LAND TO BE USED AS A NORTHEAST REGIONAL PARK PURSUANT TO THE BOND ELECTION OF MAY, 2000.

WHEREAS, the El Paso Water Utilities Public Service Board (PSB or Public Service Board) has jurisdiction and control over that certain real property located adjacent to the Greenbelt Levee System located near the juncture of Patriot Freeway and McCombs Street, El Paso, El Paso County, Texas, (Property); and,

WHEREAS, by Resolution dated April 23, 1997, the PSB set aside the Property to be conveyed to the City of El Paso (City) for park purposes subject to an agreement for reasonable compensation to the PSB; and,

WHEREAS, the PSB determined that a reasonable compensation would be 55% of the appraised fair market value which appraised fair market value was established by an independent appraisal to be \$699,000.00; and,

WHEREAS, the PSB finds that the tract of land requested to be relinquished to the City is surplus to the PSB and inexpedient to the use by the PSB in connection with the City's water and wastewater system; and further, that the transfer of the land to the City for use as a regional park will not impair the assets of the PSB or adversely affect the operations thereof; and,

WHEREAS, the City Council desires to rescind its Resolution of April 10, 2001 regarding the property and the PSB and the City, each and individually, expressly find that it is in the paramount public interest to adopt this Joint Resolution; NOW THEREFORE,

BE IT RESOLVED BY THE PUBLIC SERVICE BOARD AND THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The findings and recitations set out in the preamble to this Joint Resolution are found to be true and correct, and they are hereby adopted by the Public Service Board and the City Council and made a part of this Joint Resolution by this reference for all purposes. The City Council Resolution dated April 10, 2001 regarding the property is hereby rescinded.

Section 2. The City and the PSB hereby agree that the following described land shall be and hereby is transferred from the real property assets of the PSB to the real property assets of the City for the use by the City as the Northeast Regional Park in accordance with the terms of this Joint Resolution, to wit:

A tract of land consisting of 58.2766 acres of land, more or less, and being described as a tract of land adjacent to the Greenbelt Levee System and circumscribed by the Greenbelt Levee System on the East and generally, the Patriot Freeway right-of-way on the North and the McCombs Street right-of-way on the West and the boundary of the tract itself on the South, all as shown on Exhibit "A" attached hereto and incorporated herein by this reference for all purposes. (Exhibit on file with this Resolution in the City Clerk's Office).

Section 3. The City shall, as agreed consideration, pay to the PSB the total sum of THREE HUNDRED EIGHTY FOUR THOUSAND FOUR HUNDRED FIFTY AND NO/100 DOLLARS, (\$384,450.00).

Section 4. The property transferred hereby is subject to all rights-of-way, easements, dedications, restrictions, reservations and other encumbrances of record and running with the land, or as shown on a survey of the property, or apparent on the ground.

Section 5. The PSB hereby retains any and all water rights or rights to water for the Property.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Civil Penalties assessed to the owner of the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this civil penalty:

	<u>Penalty Amount</u>	<u>Penalty Paid</u>
917 N. Ochoa Street	\$5,000.00	\$5,361.68

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City of El Paso, be authorized to sign the attached Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this condemnation lien:

	<u>Lien Amount</u>	<u>Amount Paid</u>
917 N. Ochoa Street	\$2,647.29	\$2,787.45

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
917 North Ochoa Street	\$66.03	\$1.38	\$67.41

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to submit an application and sign all related documentation for a grant from the Office of the Governor, Criminal Justice Division in the amount of \$27,700.00 in Criminal Justice Projects funds for a police training project of the El Paso Police Department, there being no cash match or in kind match required. The Grant Officials will be as named within the application.

That the City agrees in the event of loss or misuse of Criminal Justice Projects Grant funds, the funds will be returned to the Office of the Governor in full.

***RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO:
SUPPORTING THE SECOND ANNUAL DR. MARTIN LUTHER KING, JR. FOOD DRIVE.**

WHEREAS, the Corporation for National Service and the King Center for Non-Violent Social Change encourage organizations and individuals to commemorate and celebrate the Dr. Martin Luther King, Jr. Holiday by organizing and participating in community-based humanitarian efforts; and

WHEREAS, from January 8th through January 15th, 2001, City employee volunteers and community and corporate groups such as Salvation Army; U.T.E.P.; the Catholic Diocese of El Paso; the Church of Jesus Christ of Latter Day Saints; Jewish Family and Children's Services; El Paso Black Chamber of Commerce; Ft. Bliss; El Paso Ministerial Alliance; Time-Warner Communications, Price's Creameries; Furr's Supermarkets, Centro de Salud Familiar La Fe and Oseye Cultural Arts Center, among others conducted the First Annual Dr. Martin Luther King, Jr. Food Drive in the El Paso area, collecting non-perishable food donations at over 60 locations city-wide; and

WHEREAS, the El Paso community's response to this worthwhile humanitarian effort was tremendous, resulting in collection and distribution of over 32,000 pounds of food used to stock the food pantries of such local organizations as the Salvation Army, El Paso Rescue Mission and the Opportunity Center of the El Paso Coalition for the Homeless; and

WHEREAS, City employees, community and corporate citizens desire to conduct the Second Annual Dr. Martin Luther King, Jr. Food Drive in January of 2002, to provide support to citizens in need.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso recognizes the public purpose in facilitating charitable efforts to feed its less fortunate citizens and thereby fostering and encouraging the spirit of humanitarianism and community involvement generated by the Dr. Martin Luther King, Jr. Food Drive.

THAT the City Council fully supports the goals of the Second Annual Dr. Martin Luther King, Jr. Food Drive.

THAT the City Council authorizes the use and in kind contribution of City property and personnel time in order to collect non-perishable food donations, in an amount not to exceed \$3,000.00 dollars.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECREATION CENTER
NO. 51510131, SUB-OBJECT 502214**

1. CONTRACTOR: Amy Rhoades, Gymnastics Instructor
DATES: October 5, 2001, thru May 31, 2002
RATE PER CL: \$8.00
MAXIMUM AMT: \$1,600.00
CONTRACT: 2001/2002-067

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER
NO. 51510073, SUB-OBJECT 502214**

1. CONTRACTOR: Miguel Reyes, Karate Instructor
DATES: October 27, 2001, thru November 29, 2001
RATE PER CL: \$5.90
MAXIMUM AMT: \$153.40
CONTRACT: 2001/2002-068

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ACOSTA SPORTS CENTER
NO. 51010215, SUB-OBJECT 502215**

1. CONTRACTOR: Joe Hernandez, Scorekeeper Various Sports
DATES: October 3, 2001, thru December 18, 2001
RATE PER GM: \$8.00
MAXIMUM AMT: \$800.00
CONTRACT: 2001/2002-065

136/

2. CONTRACTOR: Maria A. Renteria, Officials for Adult Basketball
DATES: October 3, 2001, thru November 24, 2001
RATE PER GM: \$28.00
MAXIMUM AMT: \$700.00
CONTRACT: 2001/2002-066

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 51010281, SUB-OBJECT 501011

1. CONTRACTOR: Eduardo Calderon, Pool Attendant, Step 1
DATES: October 1, 2001 thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-142
2. CONTRACTOR: Rogelio Calzada, Swim Instructor I, Step 2
DATES: October 1, 2001 thru September 30, 2002
RATES PER HR: \$5.50
CONTRACT NO: 2001/2002-143
3. CONTRACTOR: Maricruz Gallegos, Pool Attendant, Step 1
DATES: October 1, 2001 thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-144
4. CONTRACTOR: Diana Lara, Pool Attendant, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.60
CONTRACT NO: 2001/2002-145
5. CONTRACTOR: Laurencia E. Loya, Lifeguard Trainee
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.25
CONTRACT NO: 2001/2002-146
6. CONTRACTOR: Vanessa M. Mendoza, Swim Instructor I, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.50
CONTRACT NO: 2001/2002-147
7. CONTRACTOR: Maria Lourdes Ortiz, Pool Attendant, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-148

8. CONTRACTOR: Lawrence E. Terry, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-149
9. CONTRACTOR: John M. Uribe, Swim Instructor, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-150
10. CONTRACTOR: Jimmy J. Zambrano, Swim Instructor, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.50
CONTRACT NO: 2001/2002-151

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Personal Services Contracts between the **CITY OF EL PASO** and the following Contractors to provide sign language interpreting services for City related matters on an as needed basis, which may include, but not limited to, police emergencies, City Council meetings, and public hearings. The term of the contracts shall be for the period of November 1, 2001 through October 31, 2002.

1. Esther Saldana
2. Rosa Arzola
3. Pauline R. Arroyos
4. Yolanda C. Zavala

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ROMELIA SARABIA** to provide sign language interpreting services for City related matters on an as needed basis, which may include, but not limited to, police emergencies, City Council meetings, and public hearings. The term of the contract shall be from October 3, 2001 through October 2, 2002.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Graduate Intern Employment Contract between the **CITY OF EL PASO** and **CHRISTINA MILAM**, as a Graduate Intern for the Economic Development Department at the rate of \$8.25 per hour, up to 40 hours per week. The term of the contract is October 3, 2001 through October 2, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **DOUGLAS RITTMANN, PH.D., P.E.**, Independent Contractor, at the El Paso Water Utilities to change the time of performance and decrease the amount of compensation effective October 3, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **M. EUGENE SARGENT** for the El Paso Water Utilities at the rate of \$8.58 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from October 3, 2001 through October 2, 2002.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **CARLOS CALLEJO** to restore/refurbish the Armijo Library Mural. The total amount of the contract shall not exceed \$10,000.00. The term of the contract will be October 3, 2001 through November 27, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELPASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **Juan Contreras** to perform bilingual readings of his works at the Main Library on October 21, 2001. The total amount of the contract shall not exceed \$100.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract between the **CITY OF EL PASO** and **SIGIFREDO MALDONADO, PC/LAN SPECIALIST I**, at the El Paso Library Department to change the amount of compensation and method of payment effective October 3, 2001.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **MARGIE RAMIREZ** as a Deputy Court Clerk I for the Municipal Court at an hourly rate of \$9.53. The Contract period shall be from October 3, 2001 through August 31, 2002.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **MARIA A. MOLINA** as a temporary Case Manager, Victim Services Response Team, for the Police Department at the rate of \$12.50 per hour, not to exceed 40 hours per week. The term of the contract shall be from October 3, 2001 through November 21, 2001, or until the replaced employee returns to work, whichever is soonest.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **Ruben Gutierrez** for the El Paso Public Library. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **Billy Townes** for the El Paso Public Library. There is no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and **Ellen Treadway, PH.D.** for the El Paso Public Library. There is no cost to the City.

Motion made, seconded and unanimously carried to move to the Regular Agerda the following:

RESOLUTION

WHEREAS, the Tax Assessor/Collector of the City of El Paso has entered the amount of tax as provided by Section 26.09(e) of the State Property Tax Code in the appraisal roll, creating a tax roll for entities for which the Tax Assessor/Collector of the City collects taxes, a summary of which is attached to this resolution and incorporated herein by reference; and

WHEREAS, the tax roll for the entities is on file and available for inspection in the Tax Office of the City of El Paso; and

WHEREAS, the Tax Assessor/Collector of the City of El Paso now submits the appraisal roll to the City Council for approval as the tax roll;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the appraisal roll is approved by the City Council of the City of El Paso and does constitute the tax roll for 2001 of the city of El Paso and all entities for which the Tax Assessor/Collector of the City of El Paso collects taxes.

Mr. Orlando Fonseca II, Chairman of United Taxpayers of El Paso, apologized to Representative Cobos for providing inaccurate information regarding the start date for the rollback tax petitions. The rollback petitions would appear in the Sunday, October 7th, El Paso Times newspaper and the October 9th "What's Up", as well as, individual mailings to citizen's homes. He stated he has reviewed the State law, specifically Section 26.01, which relates to the "Submission of rolls to taxing entities" and asked that this language be clarified. He read the Section into the record.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the language states that Mr. Fonseca needs to be notified by the Appraisal District what forms would be used prior to April 1st.

Mr. Juan Sandoval, Tax Assessor Collector, responded to Mr. Fonseca's comments. He explained that the Tax Roll is made up of the actual taxes, calculated by the Tax Office, following the Central Appraisal District's certifying the values, exemptions, etc. which are related to the specific accounts. This is a list, by entities, of all the taxes billed by the City for the year 2001. He is not sure what process the Central Appraisal District uses to compose the certified values.

Mr. McNabb reiterated that the appraisal roll, submitted by the Central Appraisal District, was submitted in the proper form.

Mr. Sandoval responded that yes the appraisal roll was submitted by the Central Appraisal District in the proper form.

Motion made by Representative Sumrall, seconded by Representative Cook and carried to approve the above Resolution.

Representative Power was not present for the vote.
Representative Sariñana voted Nay.

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***RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 23rd day of October, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3102 E. San Antonio Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 1, Block 2, Miraflor Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 14, Page 55, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Rosario C. Olivas, 737 Feliz Place, El Paso, Texas 79905-5120 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagee lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

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*Motion made, seconded and unanimously carried to allow the Concordia Heritage Association to donate hardscaping, landscaping and twenty seven night decorative lamp posts on the streets surrounding Concordia Cemetery (Stevens St., Yandell Dr. and Boone St.). There is no cost to the City. This is subject to an Agreement between the Association and the City and authorizes the Mayor to sign said Agreement. (Representative Cobos)

NOTE: Item was revised to add approval subject to an Agreement between the Association and the City and authorization of Mayor to sign Agreement.

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*Motion made, seconded and unanimously carried to approve the request to install guard posts in front of the property at 7849 West Drive. Cost estimate is \$1,056.51.

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*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Information Entry Operator (1)
 - B. Library Information Specialist II (1)
-

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Library - Operations Downtown Branch

Delete	1.0	Outreach Services Librarian	73
Add	1.0	Public Services Librarian I	73

*Motion made, seconded and unanimously carried to re-appoint Glen Kistenmacher to the Flood Damage Prevention Board of Appeals by Representative Cook.

*Motion made, seconded and unanimously carried to re-appoint Fred Dalbin to the Historic Landmark Commission by Representative Cook.

*Motion made, seconded and unanimously carried to re-appoint William Wolff to the Parks and Recreation Advisory Board by Representative Cook.

*Motion made, seconded and unanimously carried to appoint Erasmo Andrade to the Civil Service Commission by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Elsie Morgan to the Cable Communication Commission by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Svetlana (Lana) Ulrich to City Plan Commission by Representative Sumrall.

*Motion made, seconded and unanimously carried to Margie Romo to the Community Development Steering Committee to fill unexpired term by Representative Cobos.

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Haciendas Del Norte in the amount of \$2,472.23, overpayment of 2000 taxes.
(PID #H010-000-0390-0090)
- B. Richard & Cynthia S. Webb in the amount of \$1,036.60, overpayment of 1999 taxes.
(PID #M800-999-000D-0900)
- C. Stewart Title Company in the amount of \$1,495.16, overpayment of 1998 taxes.
(PID #P481-999-0290-3900)
- D. First American Real Estate Tax Service in the amount of \$725.14, overpayment of 2000 taxes.
(PID #P654-999-1320-0700)
- E. Transamerica Real Estate Tax Service in the amount of \$2,444.77, overpayment of 2000 taxes.
(PID #U819-000-0220-04A0)
- F. Robert Macias in the amount of \$1,204.85, overpayment of 2000 taxes.
(PID #V897-999-0050-0400)

*Motion made, seconded and unanimously carried to award Bid No. 2001-252 Four Person Tilt Cab Pumper

Award to:	First In, Inc.
	El Paso, TX
Item:	1 (Base Price \$361,929.00)
Delete options:	3, 8, 12, 13, 14, 15, 36, 37, 38, 39, 40, 41, 42
Amount (less deletions):	\$333,829.00
	– 8,190.00 Less Trade-In Allowance
	\$325,639.00

Department:	Fire Department
Funds Available:	04250101-508006-PMB0002-130
Funding Source:	FY2001 Certificates of Obligation
Total Amount:	\$333,829.00

The Fire and Purchasing Departments recommend award as indicated. They are the low, responsive offer from a responsible offeror. Lower bids were received but did not meet specifications as detailed in the backup.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Four Person Tilt Cab Pumper. There is one option from the vendor to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days, from the date of award of the contract. No prompt payment discount is offered.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Bid No. 2001-289 Hammerhead Computers & Accessories

Representative Cobos asked that Bid No. 2001-289 Hammerhead Computers & Accessories and Bid No. 2002-009 Automated External Defibrillators be combined for this discussion. He moved to approve both bids and noticed that the bids were purchased with Certificates of Obligations. He explained what Certificates of Obligations were and stated that Bid No. 2001-289 was to purchase a computer system with a five year life span. He questioned why the City would go into long term debt when the hardware would need an upgrade in a few years. He also questioned the reasoning behind purchasing defibrillators which have a life span of only eight years. He asked how much interest was being spent on these two items.

Mr. Bill Chapman, Chief Financial Officer, responded that the purchases were not being bought with "term bonds". He explained what "term bonds" were and what the life span of these bonds are.

Representative Cobos asked if the City would be paying interest on the \$25,000.00 for the purchase of the defibrillators.

Mr. Chapman responded yes.

Representative Cobos stated that the he would like the City have less debt.

Representative Escobar commented on the differences and similarities regarding principal and interest.

Representative Medina asked Mr. Chapman several questions to which Mr. Chapman responded.

Mr. Chapman stated that the City has been utilizing Certificates of Obligation for as long, or longer, as he has been employed with the City, for the last 10 years. He explained that utilizing Certificates of Obligation is not unique as many other cities issue the same and also utilize General Obligation (GOs), federal loans and revenue bonds, etc. He remarked that the debt per capita in El Paso is low, compared with cities of the same size. He explained how the Certificates of Obligation affect the tax rate. The City levies a tax for the current principal and interest that the City would be paying for the COs, it would be part of the debt service rate.

Representative Cobos asked that Mr. Chapman meet with him and re-evalulate the City's debt policy.

Representative Cook asked Mr. Chapman the approximate number of short term items which have been purchased with Certificates of Obligation and the approximate dollar amount of these purchases.

Mr. Chapman responded that the Office of Management and Budget provides Council Members with a list of items during the budget process that the City anticipates purchasing. The approximate amount would be several million dollars utilized to purchase police vehicles, with the average life span of three to five years. The City does have a very good bond rating and is tax-exempt.

Representative Escobar agreed with Representative Cobos' comments regarding reducing the City's debt; however, he does not want to see the City have a lack of cash on-hand. He stated that the City needs the cash reserves and it is necessary to have the cash on-hand due to matching grant funds.

Mayor Raymond C. Caballero commented concerning the difference between "capital" and "revenue" budget items.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2001-289 Hammerhead Computers & Accessories

Award to: Mobility Concepts
Naperville, IL

Items: All

Amount: \$51,110.00

Department: Fire

Funds available: 250101-208010

Funding source: Certificates of Obligation FY00 - Equipment

Total amount: \$51,110.00

Fire Department and Purchasing recommend awards as indicated as this vendor's are the responsible and responsive bidder meeting specifications. This is a one time purchase.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Bid No. 2002-009 Automated External Defibrillators (Discussion was held with previous item.)

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to award Bid No. 2002-009 Automated External Defibrillators

Award to: Medtronic Physio-Control Corp.
Redmond, WA

Item: #1

Amount: \$25,000.00

Department: Fire

Funds available: 250101-208007

Funding source: Certificates of Obligation FY01 - Equipment

Total amount: \$25,000.00

Fire Department and Purchasing recommend awards as indicated as this vendor's are the responsible and responsive bidder meeting specifications.

This is a one time purchase with the bidder offering the City the option of purchasing 100% of the original quantities, at the same unit price for two (2) years.

.....

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Budget transfer BT2001-752 PUBLIC WORKS

Ms. Teresa Quezada, Assistant Director of Public Works, explained the budget transfer to Council Members. She stated that the Public Works Department is proposing budget appropriations in the amount of \$786,000.00 to cover change orders on the Civic Center construction project, to include the inspection and project management taking place in-house and \$495,000.00 to replenish the contingency account. She explained that the Public Works Department has processed approximately 31 change orders and that there is a possibility of unforeseen future events which may necessitate further budget change orders.

Representative Cook questioned why \$495,000.00 was being placed in the contingency fund when the money could be transferred at a later date.

Mr. Ed Drusina, Director of Public Works, explained that he is authorized to issue change orders which are considered "in scope" changes and are less than \$25,000.00. He stated that there must be funds in the contingency fund to cover such change orders. The larger change orders are brought before City Council for authorization.

Representative Cook questioned the percentage of change orders for the Civic Center project.

Mr. Drusina responded that it is under 5%.

Mr. Gonzalo Cedillos, Deputy Director of Engineering, replied that the net change order percent is 7.11%, 4% is from scope changes from the air walls and remodeling of the mezzanine, etc., 3.87% for construction change orders – errors in omissions, etc.

Mr. Drusina stated that the \$495,000 contingency fund would cover the project through the end of construction.

Representative Sumrall asked where the funds came from for the Civic Center expansion and whether the Civic Center contributed funds for this expansion.

Ms. Quezada explained that the funds are a combination of Certificates of Obligation and Hotel/Motel Tax Revenue.

Mr. Bill Chapman, Chief Financial Officer, explained that the pledge for the Certificates of Obligation was Hotel/Motel tax. He stated that of the 5% tax charged to individuals requesting a room, 3% goes to operations, 2½% goes toward paying the debt.

Representative Sumrall noted that in some City projects, the Engineering Department charges 10% for their services. She was concerned that the Engineering Department was charging the taxpayers twice for their work. She questioned subcontracting some projects.

Mr. Charlie McNabb, Chief Administrative Officer, stated that salaries for staff members of the Engineering Department are paid for with bond funds. He explained how the City pays the salary of a particular City Attorney and noted that it is an accounting method which may look like the individual is paid twice; however, this is not the case.

Representative Power stated that, in his opinion, he would like to see the "fees" for City projects added when the project is near completion.

Mayor Raymond C. Caballero stated that Mr. Drusina would be composing documents which would make clearer the method(s) utilized when paying for projects.

Mr. Hector Arellano, El Paso Building and Construction Trades, commented on the Civic Center expansion project and the "apprentice" program. He asked if the change orders had included the "apprentice" program.

Mr. Drusina responded that the Union Plaza Streetscape parking lot would include the apprenticeship program and that every contract put forth by the City includes the apprenticeship program.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve budget transfer BT2001-752 PUBLIC WORKS

Increase in appropriations is necessary to cover cost of change orders related to Civic Center expansion.

Increase	\$786,000	to	107100/107002	Est Revenue
Increase	\$786,000	to	107100/207001	Intrafund Trf
Increase	\$786,000	to	107100/PW0003/107001	Intrafund Trf
Increase	\$726,000	to	107100/PW0003/208027	Construction
Increase	\$ 60,000	to	107100/PW0003/201011	PT Temp

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-006 FIRE

A budget transfer is requested in order to accept a modification to Contract 282-99-0022, Metropolitan Medical Response (MMRS) Grant, which amends the contract by an additional \$200,000.

Increase	\$200,000	to	22150024/G22990307156/406000	Fed Grnt Pro
Increase	\$ 5,000	to	22150024/G22990307156/502302	Print Shop
Increase	\$ 55,000	to	22150024/G22990307156/503123	Safety Equip
Increase	\$ 2,000	to	22150024/G22990307156/502209	Outside Print
Increase	\$ 69,000	to	22150024/G22990307156/502228	Veh Serv Cont
Increase	\$ 21,000	to	22150024/G22990307156/503118	Veh Sup
Increase	\$ 48,000	to	22150024/G22990307156/508007	Capital Equip

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-007 LIBRARY

The Library request for the Technical Assistance Negotiated Grant this transaction to set up funds has required by the grant allotment and to realign the grant for fiscal 2002.

Increase	\$22,510	to	53150006/G53020907007/406001	StateGrt Proc
Decrease	\$ 923	from	53150006/G53020907007/502107	Data Process
Increase	\$ 300	to	53150006/G53020907007/503105	Desktop Softw
Increase	\$ 300	to	53150006/G53020907007/502301	Mtr Pool Usge
Increase	\$ 323	to	53150006/G53020907007/504201	Trvl Exp Emp
Decrease	\$ 2,000	from	53150006/G53020907007/503100	Office Sup
Increase	\$ 700	to	53150006/G53020907007/504415	Indirect Cost
Increase	\$ 1,300	to	53150006/G53020907007/508010	Data Proc Eqp
Increase	\$ 117	to	53150006/G53020907007/501007	Longevity
Increase	\$ 3,415	to	53150006/G53020907007/501011	PT Temp
Increase	\$ 497	to	53150006/G53020907007/501100	Wkrers Comp
Increase	\$ 100	to	53150006/G53020907007/501101	UnemployComp
Increase	\$ 4,600	to	53150006/G53020907007/501108	POS City
Increase	\$ 70	to	53150006/G53020907007/501114	Life Insurance
Increase	\$ 4,000	to	53150006/G53020907007/501124	City Pension
Increase	\$ 171	to	53150006/G53020907007/501129	FICA City Mat
Increase	\$ 40	to	53150006/G53020907007/501130	FICA Med
Increase	\$ 9,500	to	53150006/G53020907007/504412	Sem/Cont Ed

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-008 AIRPORT Transfer of funds for the addition of temporary help to assist in the maintenance programs of Butterfield Trail, the Industrial Park areas, and Airway Blvd.

Increase	\$ 30,000	to	62620011/40101/502001	Temp Svcs
Increase	\$ 30,000	to	62620011/40101/407001	Intrafund Tfr In
Increase	\$ 70,000	to	62620013/40101/502001	Temp Svcs
Increase	\$ 70,000	to	62620013/40101/407001	Intrafund Tfr In
Increase	\$100,000	to	62620018/P50000241021/407002	Est Revenue
Increase	\$100,000	to	62620018/P50000241021/507001	Intrafund Tfr Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-009 AIRPORT Establish funding for 4 (four) automated external defibrillators and storage cabinets for placement in the terminal of EPIA.

Increase	\$11,000	to	62620020/P50000441022/508012	Med Equip
Increase	\$11,000	to	62620020/P50000441022/407001	Intrafund Tfr In
Increase	\$11,000	to	62620018/P50000241021/407002	Est Revenue
Increase	\$11,000	to	62620018/P50000241021/507001	Intrafund Trf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-010 PUBLIC WORKS

Public Works proposes to transfer \$150,000 to fund design of Schuster Slope Stability Project. Funding source is FY2000 Sale of Bonds.

Increase	\$150,000	to	31130007/PPW002900126226/507001	Intrafund Trf
Decrease	\$150,000	from	31130007/PPW002900126226/508027	Construction
Increase	\$150,000	to	31130007/PPW010026228/407001	Intrafund Trf
Increase	\$150,000	to	31130007/PPW010026228/508050	Design

.....
*Motion made, seconded and unanimously carried to approve the request of Loretto Academy to hold a foot race/walk on October 27, 2001 from 9:00 a.m. to 10:30 a.m. Route: Start at 1300 Hardaway, proceed on Hardaway, Bliss, Radford, Leeds, Hawley, Howze, Hastings, Cumberland, Graham, Raynolds, Clifton, Radford, Trowbridge, Hardaway, and end at 1300 Hardaway. Approximately 150 persons will take part and 50 spectators are anticipated. PERMIT NO. 01-126

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*Motion made, seconded and unanimously carried to approve the request of Shattered Dreams/Montwood High School to block off Firehouse Drive between Montwood and Saul Kleinfeld on October 8, 2001 from 6:00 a.m. to 10:00 a.m. for a mock crash. Approximately 8 vehicles will take part and 700 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-130

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*Motion made, seconded and unanimously carried to approve the request of Empowerment Resources, Inc. to hold a 5k run and walk on October 21, 2001 from 8:30 a.m. to 9:30 a.m. Approximately 300 persons will take part and 100 spectators are anticipated. Route: Start at McKelligon Canyon Park Amphitheater parking lot, proceed east (.8 mile), turnaround and proceed all the way to the back of the canyon, circle around and finish in the parking lot. This request includes permission to use amplification (2 speakers, 1 microphone). PERMIT NO. 01-133
.....

*Motion made, seconded and unanimously carried to approve the request of Franklin High School to hold a homecoming parade on October 12, 2001 from 6:00 p.m. to 7:00 p.m. Route: Start at Franklin High School parking lot, left on Resler, south on Resler to Cloudview, left on Cloudview, 2 blocks east to Coronado Parking lot. Approximately 150 persons (in cars or floats) and 20 vehicles will take part and 150 spectators are anticipated. PERMIT NO. 01-135

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Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone one (1) week an Ordinance changing the zoning of all of Lot 16, Block 2, KYLE ADDITION (428 French Place) from R-5 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Julia Oñate; 428 French Place, El Paso, TX 79905. ZC-01044.

Ms. Patricia Adatao, Director of Planning, explained the zoning change for Council Members. The DCC (Development Coordinating Committee) recommended denial of the rezoning; however, the CPC (City Plan Commission) recommended approval at their August 23, 2001 meeting, the vote was 4-1. The Planning Department has received one phone call in opposition, from Mr. Jose Leon, a resident on French Street.

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Motion made by Representative Cobos, seconded by Representative Cook and carried to deny an Ordinance changing the zoning of all of Lot 11 and a portion of Lot 12, Block 13, ALEXANDER ADDITION (1218 N. Kansas Street) from A-2 (Apartment) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Ruben Ponce, 11404 James Grant, El Paso, TX 79936. ZC-01046. Representative Escobar voted Nay.

Ms. Patricia Adatao, Director of Planning, explained the rezoning change for Council Members and noted that this was an appeal case. She explained that both the DCC (Development Coordinating Committee) and CPC (City Plan Commission) had recommended denying the rezoning. She noted that the Planning Department had received one letter and five telephone calls in opposition to the rezoning. She named these individuals for Representative Cobos information.

Mayor Raymond C. Caballero made remarks concerning rehabilitating homes in the central part of the City. He mentioned the "employer assisted housing" program which the City and the El Paso Independent School District were interested in pursuing.

Representative Cobos asked questions of Mr. Ruben Ponce, applicant, to which Mr. Ponce responded.

Mr. Ponce made remarks in reference to the City's different types of zoning.

Representative Escobar stated that deviations had been made to the "Plan" and that the applicant might possibly transform the home into something that might enhance the neighborhood.

Representative Sariñana added that he had been trying to clean up his district for many years and commented on "spot" zoning.

Mr. Ponce made closing remarks and noted that there were other commercially zoned lots in this area.

Ms. Adatao advised Council Members that the Plan for El Paso clearly designates the area for residential usage and noted that the DCC and CPC felt that this specific zoning would be an encroachment into this neighborhood.

Representative Cobos noted for the record, the opposition to the proposed zoning change is from a Mr. Gonzalez who resides across the street.

Mr. Oscar Gonzalez, citizen, stated that he has lived in the neighborhood since 1977 and commented on homes being renovated in the neighborhood. He strongly suggested to Council Members that they vote to deny the appeal.

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ORDINANCE 14948

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOTS 1-A AND 1-B, LESS THE EASTERLY 5 FEET OF LOT 1-B OF TRACT 13, LAFAYETTE PLACE, EL PASO, EL PASO COUNTY, TEXAS (8010 NORTH LOOP DRIVE) FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana asked Ms. Patricia Adaudo, Director of Planning, whether this zoning change required a Detailed Site Development Plan and the question of the eight foot rockwall to be added was addressed.

Ms. Patricia Adaudo, Director of Planning, stated that yes the zoning change would require a Detailed Site Development Plan and addressed the question regarding the rockwall. She clarified that the recommendation by the DCC (Development Coordinating Committee) and CPC (City Plan Commission) was to include the following certain conditions: 1. the approval of a Detailed Site Development Plan; and 2. the applicant provide a 10 foot landscape buffer where the applicant abuts the residential area, the west and south property lines.

Representative Sariñana was concerned with the irrigation ditch that crosses the property. He asked who was responsible for the irrigation ditch.

Mr. Charlie McNabb, Chief Administrative Officer, explained what a "community" ditch was.

Mr. Luis de la Cruz, representing the owner/applicant, explained that there is no dedicated easement running north and south and stated that the owner would continue to allow the neighbors to utilize the ditch water. He stated, for the record, that he was a member of the BZAC (Building and Zoning Advisory Committee) and ZBA (Zoning Board of Adjustment).

Representative Sumrall questioned what the C-4 zoning was intended for.

Representative Sariñana explained that it would be utilized as a contractor warehouse.

Ms. Adaudo noted that under the Plan for El Paso this area was designated "commercial". She stated that the City Code requires a six foot high masonry wall between commercial and residential districts. In regards to this zoning change, the applicant would be required to build the wall along the south and west sides. The City Code does permit the eight foot high rockwall, if approved from the adjoining property owners.

Motion duly made by Representative Sariñana, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 14949

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 3, NORTHWESTERN CORPORATE CENTER UNIT 4, ELPASO, EL PASO COUNTY, TEXAS (6600 BLOCK OF NORTH DESERT BOULEVARD) FROM M-1 (LIGHT-MANUFACTURING) TO C-4 (COMMERCIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall questioned the C-4 use.

Ms. Patricia Aauto, Director of Planning, explained that the proposed use would be office warehousing. She noted that the DCC (Development Coordinating Committee) and CPC (City Plan Commission) have recommended in favor and there is no opposition.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to deny an Ordinance changing the zoning of all of Lot 1, Block 1, NORMANDY ADDITION, El Paso, El Paso County, Texas (6363 Airport Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant / Representative: Rosa I. Talamantes & Miguel Villalba; 5416 Paraguay, El Paso, TX 79903. ZC-01043.

Ms. Patricia Aauto, Director of Planning, explained the proposed zoning change for Council Members. The CPC (City Plan Commission) and DCC (Development Coordinating Committee) have recommended denial of the rezoning application. The Plan for El Paso designates the area for residential. The Planning Department has received one letter and four telephone calls in opposition to the rezoning.

Mayor Raymond C. Caballero stated his concerns how this zoning change may be utilized in the future. Representative Medina made comments concerning "commercial encroachment" and noted that he had received an additional five letters in opposition to the zoning change this morning.

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ORDINANCE 14950

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING CORONADO BAPTIST CHURCH TO USE A PORTION OF FRANK DELGADO PARK FROM 12:00 PM UNTIL 5:00 PM ON OCTOBER 6, 2001**

Motion duly made by Representative Sumrall, seconded by Representative Medina, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks the Public Hearing to determine if the property located at 1009 Southside Rd., AKA 1245 Southside Rd., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....
*Motion made, seconded and unanimously carried to delete the Public Hearing to determine if the Council Resolution of August 7, 2001 for the property located at 1400-1406 Delta Dr., AKA 404 Nino Aguilera St., AKA 404 Tornillo St., in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with.

.....
*Motion made, seconded and unanimously carried to delete the Public Hearing to determine if the Council Resolution of July 31, 2001 for the property located at 8659 Holmsley Trail Dr., in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with.

.....
Motion made by Representative Sariñana, seconded by Representative Cook and carried to reject Bid No. 2001-271 Vehicle Alignment Service as recommended by the Purchasing and Equipment Maintenance Department. This requirement was reviewed by the user department a new solicitation will be issued at a later time.

Representative Sariñana asked why the bid was being rejected.

Mr. Byron Johnson, Director of Purchasing, stated the bid was being rejected for two reasons: 1. there were no bids on a particular section of the bid; and 2. the time limit could not be met by one of the contractors. Therefore, the Equipment Maintenance Department requested a review of the specifications in order to rebid at a later date.

Representative Sariñana remarked that he conversed with a gentleman from the "Advanced Auto" company. The gentleman stated that his company was ready to move forward on this bid. He asked that the bid be awarded to "Advanced Auto".

Mr. Johnson explained that no one bidder could handle the heavy equipment and commented on the turn around time.

Ms. Rita Rodriguez, First Assistant City Attorney, explained the legal ramifications regarding changing the bid(s) specifications after the bid(s) have already been advertised.

Representative Sumrall was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to accept the Annual Report from the Fair Housing Task Force: Discussion and action relating to the acceptance of the Task Force's Annual Report on file in the City Clerk's Office, which contains an analysis of impediments to Fair Housing choice, actions and accomplishments of the Task Force with regard to the impediments, and recommendations of the Task Force with regard to the impediments.

Ms. Patricia White, CDBG Contract Administrator – CD/Housing Rehab, introduced the Fair Housing Task Force Board Members and ex-officio members.

Mr. Dan Salazar, Chairman of the Fair Housing Task Force, recognized Ms. White and her staff for their hard work. He briefly reviewed the impediments within the Second Annual Report from the Fair Housing Task Force for the Council Members and gave the Task Force's recommendations.

Mayor Raymond C. Caballero commended Mr. Salazar on the professionalism and diligence that the report exhibits. He went on to state "A great City consists of great neighborhoods and if we do not have great neighborhoods we cannot be a great City." He also commended Representative Rodriguez and Representative Cook on their work with the El Paso Housing Finance Corporation. He spoke on rehabilitating some of the older homes in the City.

Representative Sumrall questioned whether the "lease with the option to buy" has been brought forward for the first time homebuyers. She asked that this idea be included for any future reports.

Mr. Salazar stated that he was not aware of any such programs; however, there are many programs available to the public, as a whole, as well as the disabled community. He commented that people may not take advantage of opportunities afforded to them due to lack of knowledge.

Mayor Caballero commented on the lack of access to housing and interest rates. He asked that the Community Development Department become more actively involved in trying to do away with "predatory lending" which takes away from many of our citizens.

Representative Cook thanked the members of the Task Force who have sat through the City Council meeting and Representative Sumrall for providing the American flags for everyone.

.....
Ms. Patricia Adatao, Director of Planning, stated that the following Agenda item and an item on the Addition to the Agenda go together and asked that the item on the Addition be taken prior to this item.

Representative Cobos questioned whether it was necessary to make the Motion to move the Resolution forward from the Addition to the Agenda.

Representative Cook stated no, it was not necessary.

There was no objection to discussing the Resolution from the Addition to the Agenda.

RESOLUTION

WHEREAS, San Jacinto Park and the Arts Resources Plaza are often the sites of significant cultural and historical events in the City of El Paso and are made available for the governmental purpose of providing parks and museums for the City's residents; and

WHEREAS, decorating the Park and Plaza and celebrating and recognizing special cultural activities is a tradition in El Paso which unites the citizens of El Paso through shared experiences and remembrances; and

WHEREAS, the City Council finds that the Dia de Los Muertos Cultural Event embraces a cultural tradition of many persons around the world that has become a popular event among many El Pasoans as they seek to remember and publicly honor those who have died and contributed so much to El Paso and our country and to the lives of persons living in and visiting El Paso; and

WHEREAS, the presentation of festivals and special events in downtown El Paso encourages persons to come downtown which benefits the City and downtown revitalization efforts; and

WHEREAS, the presentation of the Dia de Los Muertos Cultural Event benefits all citizens of Paso, utilizes City park and museum facilities for the governmental purposes for which they were created, and serves an important public purpose, such as to allow the City to expend public funds, services and resources for the presentation of the event.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City shall present the Dia de Los Muertos Cultural Event to be held on November 2, 2001, between 6 p.m. and 9 p.m., in the San Jacinto Park and Arts Festival Plaza, utilizing those City facilities and City staff, resources and funding for the promotion and presentation of the event.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to authorize the City Planning, Research & Development and Parks & Recreation Departments to process City-initiated applications for a special privilege license and temporary parade permit to permit the use of San Jacinto Plaza and the Arts Festival Plaza, and to close a portion of Oregon Street between Main Drive and Mills Street, for a Dia de los Muertos Cultural Event on November 2, 2001.

Representative Cobos asked what the City's sponsorship of the project would entail.

Ms. Alejandrina Drew, Arts Resources Director, explained that in the case of the Arts Resources Department there would be 20 hours of staff time, \$2,000.00 in artistic fees for 13 artists performing at the event.

Ms. Becky Duvall-Reese, Director of Museums, noted that the Art Museum would be kept open from 5:00 p.m. to 9:00 p.m. and would cost \$500.00 in overtime. Other costs associated with the event have already been budgeted within the Museum's budget.

Ms. Jennifer Hearn, Parks & Recreation Department, assessed that the labor would be covered by current Parks employees. The costs base would not exceed \$300.00 per the Department, security already exists in the Park.

Mr. Ben Saenz, volunteer coordinator for the event, stated that the barricades were an added expense; however, individuals are finding other resources so that the cost would not come from any City funds.

Mayor Raymond C. Caballero commended Mr. Saenz and the City staff for organizing this cultural event. He explained that this project has the potential to bring in many tourists, more educational benefits, etc.

Representative Sumrall asked if there might be an admission fee for the event.

Mr. Saenz remarked that the event would not be charging an admission; however, if any individual(s) are interested in constructing a display for a loved one that they use their creativity. He noted that there would be a display for those individuals involved the September 11, 2001 tragedies. This is the first of many Dia de Los Muertos annual events.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to delete the discussion and action on permission to wear American flag patches on the upper arm of City employee uniforms. (Representative Sumrall)

Representative Sumrall stated that her heart was in the right place and that she had received several telephone calls from members of the Police Department who were in favor of her recommendation. She stated that this was not part of their uniform and therefore would not be allowed. She had received word from the Fire Department and noted that the Fire Department was in favor of placing a pin on their uniforms.

Captain Roy Davis, El Paso Police Department, explained that the members of the Police Department are looking into Representative Sumrall's recommendation of a patch and stated that the Police Department would be considering placing a pin on their uniforms such as that of the Fire Department. He noted that the Police Department has acquired bumper stickers which have been placed on the police vehicles regarding the September 11, 2001 tragedy.

Representative Cook noted that he would be placing the same stickers, as mentioned by Captain Davis, in all the City employees' paychecks.

.....
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to approve the recommendation by the Bond Overview Advisory Committee that expenditures for the acquisition of library books be accelerated as proposed by the Library Board and the Library Administration. City staff is instructed to take appropriate action.

Mr. Ed Drusina, Director of Public Works, explained that Ms. Carol Brey, Director of Libraries, presented the item to the Bond Overview Committee during the meeting two weeks ago and that it was approved by the Committee for the accelerated program for the funding of the books.

Representative Sumrall commented on the new construction of the libraries and asked how the City was going to address the issue of purchasing books for these new libraries.

Ms. Teresa Quezada, Assistant Director of Public Works, explained that Ms. Brey had composed a worksheet that explained how the monies would be evenly spent. A portion of the monies would be coming from the Quality of Life Bonds authorization. The peak of those funds would be in the year 2004, in anticipation of these facilities opening to the public. Ms. Brey is looking into other funding sources in order to keep a level funding plan. Ms. Quezada noted that there are no additional monies being spent from the bonds, it is the same amount; however, instead of equal installments throughout the nine or ten years, the monies are being utilized in an accelerated plan. She explained that the action requested of the Council Members today would be to approve the accelerated program and to designate the funds as requested by Ms. Brey. Ms. Quezada explained the worksheet for Council Member's information.

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to accept the report to Mayor and Council by the El Paso Bond Overview Advisory Committee. Representative Sumrall was not present for the vote.

Mr. Ed Drusina, Director of Public Works, thanked all the members of the Bond Overview Advisory Committee (BOAC) for their diligent efforts and hard work over the last year. He introduced Mr. Gus Haddad, Chairman of the Bond Overview Advisory Committee.

Mr. Haddad thanked Mr. Drusina, Ms. Teresa Quezada, Assistant Director of Public Works, the staff of the Public Works and Engineering Departments and others who were involved in the Quality of Life issues. He then began the Power Point presentation of the report. He explained that the voters of the City of El Paso approved \$141,105,000.00 in bond authorization projects; the History Museum would receive \$6,650,000; libraries receives \$26,000,000; the zoo receives \$33,500,000; and the parks receives \$75,000,000. He stated that in the first two years the BOAC has planned for \$39,000,000. He then explained the projects, in what year the projects would be started and the disbursement of the monies.

Representative Sumrall pointed out that the projects for the west side of the City have all been pushed to other project years and are not included in the first years.

Mr. Haddad continued with the presentation and explained the design(s) and approximate construction dates of various projects. He introduced Mr. David Austin, Vice-Chairman of the Bond Overview Advisory Committee, and who also represents the Greater Chamber of Commerce and Mr. Chester Jordan, representing the History Museum and a member of the BOAC.

Mayor Raymond C. Caballero questioned the design of the "Marine Mammal" exhibit for the zoo to which Mr. Drusina explained that this project would be an enormous improvement for the zoo. The exhibit provides for an underground walkway in which the public can observe the sea lions in their natural habitat.

Representative Sariñana stated that an arena would also be constructed for public seating and asked that the sea lions be trained to provide additional entertainment.

Mr. Haddad discussed "Cleveland Square" and the "Plaza" renovations and also commented on the redevelopment of the downtown area of the City. He then addressed each of the projects to be constructed in the Representative's districts.

Mr. Drusina stated that the presentation was just a preview of what the future holds for the City. He reiterated the years for each of the projects, construction bids, funding, etc. He complimented Ms. Irene Ramirez, Assistant Deputy Director of Engineering, for doing an exceptional job guaranteeing that the projects are keeping to schedule. He also complimented Ms. Quezada for an exceptional job putting all the program projects in order. He briefly discussed the problems incurred with a particular firm. In summary, he explained that by February 2002, 52 quality of life projects would be under the Public Works Department management. He thanked the members of the BOAC for coming today.

Mayor Caballero thanked the members of the BOAC, members of the Public Works Department and others for their efforts in these matters.

Mr. Haddad asked that members of the BOAC come to the Council Member's breakfast meetings in order that the public might have their questions, regarding the Quality of Life projects, answered.

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*Motion made, seconded and unanimously carried to delete the discussion and action on an Ordinance limiting the number of dogs and/or cats in a residential property. (Representative Cook)

.....
Motion made by Representative Sariñana, seconded by Representative Cook and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Sumrall was not present for the vote.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include Westwind Drive from Belvidere Street to a point 680 feet north thereof, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include Gran Vista Drive between Lee Trevino Drive and Albert Saab Drive, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include Albert Saab Drive between Gran Vista Drive and Gateway East Boulevard, both sides. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to reduce the speed on certain sections of Lee Trevino Drive. The penalty being as provided in Section 12.84.010 of the El Paso City Code.
- E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, standing and parking generally), Section 12.44.180 (Regulations pertaining to certain special situations) amending Paragraph (B)(9) to increase the number of parking spaces for the Mexican Consul. The penalty being as provided in Section 12.48.010 of the El Paso Municipal Code.
- F. That Ordinance No. 8064, the Classification and Compensation Plan, shall be amended as follows: As recommended by the Civil Service Commission, the class of SANITATION ASSISTANT SUPERINTENDENT is hereby revised to change the title to ASSISTANT DEPUTY DIRECTOR FOR SOLID WASTE MANAGEMENT in accordance with the duties and responsibilities attached hereto. The Code will remain 3388. The Grade will remain EX J.

PUBLIC HEARING WILL BE HELD ON OCTOBER 16, 2001 FOR ITEMS A - F

- G. An Ordinance changing the zoning of all of Lot 29, Block 9, VISTA DEL PRADO UNIT 2, El Paso, El Paso County, Texas (9801 Jericho Road) from A-2/H/sc (Apartment/Historic/special contract) to C-1/H/sc (Commercial/Historic/special contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Angel and Marie C. Marquez / Representative: Luis H. and Rene De La Cruz, 9013 Lait St., El Paso, TX 79925. ZC-01041.

PUBLIC HEARING WILL BE HELD ON OCTOBER 23, 2001 FOR ITEM G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Alan G. Parsons covering the exhibition, "Fire Department Memorabilia," at the Westside Branch of the El Paso Public Library System for the period of September 28, 2001 to October 26, 2001. This exhibition is at no cost to the City.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF EL PASO AND THE YSLETA INDEPENDENT SCHOOL DISTRICT FOR THE JOINT DEVELOPMENT AND USE OF RECREATIONAL FACILITIES AT THE RAMONA ELEMENTARY SCHOOL CAMPUS, EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the Ysleta Independent School District (YISD) has agreed to enter into an Interlocal Governmental Agreement with the City whereby four (4) acres of land, more or less, will be made available for the joint use of the City and the District to provide park and recreational fields for the use of the students of Ramona Elementary School and the citizens of El Paso; and,

WHEREAS, the City desires to provide recreational facilities for its citizens, and has recognized the benefit of more parks and recreational facilities adjacent to school facilities; and,

WHEREAS, the District desires to join with the City for the purpose of enhancing the quality of recreational facilities for athletic activities incident to its school purposes; and,

WHEREAS, the City and the District recognize that an Agreement for the joint development and use of play fields at a joint park and school site to be located on the Ramona Elementary School campus in El Paso, El Paso County, Texas would improve the efficiency and effectiveness of their respective local governments;
NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Ysleta Independent School District for the joint development and use of recreational facilities at the Ramona Elementary School Campus, El Paso, El Paso County, Texas.

.....
*Motion made, seconded and unanimously carried to appoint Brenda Realivasquez to the Fair Housing Task Force by Representative Medina.
.....

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to authorize the Department of Planning, Research and Development to initiate and process an application on behalf of the City for the proposed vacation of Seventh Street, between Campbell and Florence Streets; and authorize the Mayor to sign the public right of way vacation application and all related documents to process the request. In conjunction with the application, direct the Planning Department to conduct a feasibility study for the vacation request.

Representative Sumrall was not present for the vote.

Ms. Patricia Aduato, Director of Planning, explained that this request would authorize the Planning Department to initiate and process an application to study the closure of 7th street between Campbell and Florence streets. She stated that this particular portion of 7th street is fronted on both sides by a City park and the Planning Department is looking into closing these streets to expand the recreational facilities. She noted that the El Paso Independent School District has approached her and asked whether if it might be possible that Roosevelt and Aoy Elementary schools be connected.

Representative Cobos asked whether a representative from the architectural firm of Lucero/Melendez was present to answer any questions. No one came forward. Representative Cobos stated that it would be up to the City to decide whether the street closure was feasible. He noted that the El Paso Independent School District was funding the study.

Representative Medina complimented the Traffic/Engineering Department for their in-depth, professional efforts for these types of studies.

.....
The following Resolution was discussed on pages 23 and 24 of the Minutes.

***RESOLUTION**

WHEREAS, San Jacinto Park and the Arts Resources Plaza are often the sites of significant cultural and historical events in the City of El Paso and are made available for the governmental purpose of providing parks and museums for the City's residents; and

WHEREAS, decorating the Park and Plaza and celebrating and recognizing special cultural activities is a tradition in El Paso which unites the citizens of El Paso through shared experiences and remembrances; and

WHEREAS, the City Council finds that the Dia de Los Muertos Cultural Event embraces a cultural tradition of many persons around the world that has become a popular event among many El Pasoans as they seek to remember and publicly honor those who have died and contributed so much to El Paso and our country and to the lives of persons living in and visiting El Paso; and

WHEREAS, the presentation of festivals and special events in downtown El Paso encourages persons to come downtown which benefits the City and downtown revitalization efforts; and

WHEREAS, the presentation of the Dia de Los Muertos Cultural Event benefits all citizens of El Paso, utilizes City park and museum facilities for the governmental purposes for which they were created, and serves an important public purpose, such as to allow the City to expend public funds, services and resources for the presentation of the event.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City shall present the Dia de Los Muertos Cultural Event to be held on November 2, 2001, between 6 p.m. and 9 p.m., in the San Jacinto Park and Arts Festival Plaza, utilizing those City facilities and City staff, resources and funding for the promotion and presentation of the event.

.....
RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING AMONG CIUDAD JUAREZ, MEXICO; EL PASO, TEXAS; SUNLAND PARK, NEW MEXICO AND LAS CRUCES, NEW MEXICO FOR THE ESTABLISHMENT OF A BINATIONAL MASS TRANSIT REGIONAL CONCEPT.

WHEREAS, Ciudad Juarez, Mexico; El Paso, Texas; Sunland Park, New Mexico and LasCruces, New Mexico desire to establish a framework for cooperation to make a viable analysis of the establishment of a binational mass transit regional initiative; and,

WHEREAS, the City Council of the City of El Paso, Texas finds it in the public interest to become a Participant City in the Memorandum of Understanding to move the binational mass transit regional concept forward; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a Memorandum of Understanding among Ciudad Juarez, Mexico; El Paso, Texas; Sunland Park, New Mexico and Las Cruces, New Mexico for the establishment of a Binational Mass Transit Regional Concept to make a viable analysis of creating a mass transit system which would transport people between the participant cities.

Mayor Raymond C. Caballero explained that discussions between Ciudad Juarez, Sun Metro and the City of El Paso regarding re-establishing a cross border transit line have taken place. He stated that with the cities signing this Resolution, and presenting an application to the various agencies allowing the border crossings, is just the first of many important steps in making this plan a reality.

Representative Cook thanked the Mayor and Representative Elliot Shapleigh for traveling to Mexico City to discuss the important issues regarding congestion on the international bridges.

Mayor Caballero explained that 55% of the Sun Metro ridership comes from Mexico and the City needs to serve this population.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Sariñana and carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Representative Sumrall was not present for the vote.

Section 551.071	CONSULTATION	WITH	ATTORNEY
Section 551.072	DELIBERATION	REGARDING	PROPERTY
Section 551.073	DELIBERATION	REGARDING	GIFTS
Section 551.074	PERSONNEL		MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES		

Discussion on the following:

- A. Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21 (551.071)
- B. Ronald Luna and Patrizia Estrada, 01-C-074 (551.071)
- C. Bankruptcy Proceedings for South Texas National Productions (551.071)

Motion made by Representative Cook, seconded by Representative Escobar and carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Sumrall, Power and Sariñana were not present for the Executive Session votes.

.....
 Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to postpone one (1) week Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21 (551.071)

.....
 Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **RONALD LUNA AND PATRIZIA ESTRADA**; Our File No. 01-C-074 be **DENIED** as recommended by the City Attorney.

.....
 Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED NOT TO PURSUE CLAIM** in the Bankruptcy Proceeding entitled **SOUTH TEXAS NATIONAL PRODUCTIONS**, as recommended by the City Attorney.

.....
 Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 12:37 p.m.

APPROVED AS TO CONTENT:

Carole Hunter
 Carole Hunter, City Clerk

APPROVED AS TO FORM:

Rita Rodriguez
 Rita Rodriguez, City Attorney

